



CITY OF LACOMBE
MUNICIPAL PLANNING COMMISSION

MINUTES 020316

DATE: February 3, 2016

PLACE: City of Lacombe Council Chambers

TIME: 5:00p.m.

PRESENT:

| | |
|--------------------------|-----------------|
| Steve Christie | Mayor |
| Sandra Badry (5:17 p.m.) | Member at Large |
| Debbie Gallant | Member at Large |
| Wayne Rempel | Councilor |

REGRETS: Reuben Konnik Councilor

STAFF: Lyla Peter, Manager, Planning and Development
Gail Long, Development Officer
Deb Bonnett, Development Officer

1. CALL TO ORDER

The meeting was called to order by Chairperson Christie at 5:07 p.m.

2. ADOPTION OF AGENDA

MOVED BY: Member: Gallant

THAT the Agenda be adopted as presented.

CARRIED: Unanimously

3. ADOPTION OF MINUTES

MOVED BY: Member: Rempel

That the Municipal Planning Commission minutes for January 20, 2016 be confirmed as presented.

CARRIED: Unanimously

4. NEW DEVELOPMENT APPLICATION

- A. 61/250.01 (2016), Pt. SE 26-40-27 W4M, Location of a Commercial Real Estate Sign;
zoned FD – Future Designation District**

The applicants were not in attendance.

Development Officer, Gail Long presented information regarding the application for the location of a commercial real estate sign which exceeds both the size and height requirements as outlined in the Land Use Bylaw. As variances will be required, the application is being referred to the Municipal Planning Commission for consideration.

A total of four (4) property owners within the City boundaries and sixteen (16) property owners within Lacombe County. Lacombe County also received notification. One response has been received in support of the application. No comments were received.

The land located within the SE 26-40-27-W4M is located within a proposed Outline Plan which has not yet been reviewed by Council. The lands located within the Outline Plan are being proposed to be designated for commercial use, with a small parcel of multi-family residential development near the east property boundary. The applicant is proposing a freestanding sign on the property adjacent Highway 2 to advertise the lands being proposed for sale.

The developer of the Outline Plan, Midway Centre, is hosting an open house on February 10, 2016 to present the plan to the public. The Planning and Development Department are working with the developer to prepare the plan for adoption by Council – likely around the end of March, beginning of April.

A Development Permit is not required for a real estate sign providing it meets the regulations contained within the Land Use Bylaw. A freestanding real estate sign in the commercial district is to have the maximum area of 3m² and is not to exceed the maximum height above grade of 4m. The proposed sign is to be located slightly north of the Highway 2/Highway 12 intersection, on the east side of Highway 2. In order to make this sign visible from the Highway, the applicant is proposing a 6.1m x 3.05m sign, for a total size of 18.58m², requiring an 84% variance. The height of the sign is proposed to be 4.88m above grade, requiring a height variance of 18%.

Recommendations:

In order that the sign be visible from Highway 2, and as the sign will only be located on the property on a temporary basis until the properties within the development area are sold, Planning and Development Services is in support of the application and is recommending approval, subject to conditions.

MOVED: Member: Rempel

“RESOLVED that the Municipal Planning Commission approve an 84% variance to the size and an 18% variance to the maximum height above grade to allow a freestanding real estate sign to be located slightly north of the Highway 2/Highway 12 intersection on SE 26-40-27-W4M, zoned FD.

Approval is in respect of works consisting of and as described on the development permit application form and plans submitted by the applicant, subject to the following conditions:

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. Only one sign will be permitted on the site.
5. There shall be no electronic message permitted on the sign face.
6. Applicant to apply for and obtain any required secondary permits (e.g. electrical).
7. Prior to building permit issuance, the applicant shall provide detailed sign construction drawings including details of how the sign is attached or secured to the ground, to the satisfaction of the Development Authority.

8. The applicant will be required to maintain the sign to the satisfaction of the Development Authority.
9. The Development Authority may request that the sign be removed at any time, although the sign shall be removed once all properties have been sold.
10. The decision of the Municipal Planning Commission being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

Please note that this decision is subject to an appeal period which ends on February 25, 2016 at 4:30pm.

CARRIED: Unanimously

A. 61/250.03 (201), 3806 53 Avenue , Lot 17 Block 2 Plan 072 8925, Agriculture Equipment Sales & Service, zoned I1 – Light Industrial District.

The applicant was not in attendance.

Development Officer, Deb Bonnett presented information regarding an application for agriculture equipment sales and service from 3806 53 Avenue. The property is located in the I1 – Light Industrial District, where equipment and machinery sales are listed as a discretionary use.

A total of five (5) property owners within 60m of the subject site were notified. No comments have been received in response to the circulation notice.

The existing building was approved by the Development Authority on September 5, 2007. The permit was approved subject to a number of conditions including landscaping as per the approved plan and the requirement that the access and all parking within the front yard be paved within one year of construction completion.

The existing development does not comply with the original development approval as none of the required trees and shrubs have been planted in the grassed areas. The front and side yards and driveway have been paved. The owner of the property was advised in 2013 that the landscaping was incomplete, and that the file would be closed as non-compliant and the \$2000.00 deposit would be forfeited.

The applicant is in the process of purchasing the property. He has been made aware that these conditions remain outstanding and will be a condition of approval. When the building was originally constructed, the original use was dairy equipment sales & service, however, when the business was closed, an oilfield servicing company occupied the site for some time. With this change, the existing dairy equipment sales and service expired.

The proposed new use is agriculture sales and service. The sales are mostly offsite at dairy farms, however there may be walk in sales too. Vehicle, equipment and machinery sales are a discretionary use, which will require the approval of the Municipal Planning Commission.

Garbage pick-up will be from the rear of the building.

Three overhead doors are located on the east side of the building where all shipping and receiving will take place.

The Commission raised concerns regarding deposits, the forfeiture of deposits and the completion of development conditions.

Recommendations:

Planning and Development Services recommends approval of the application, subject to the following conditions:

MOVED: Member: Gallant

Approval is in respect of works consisting of and as described on the development permit application form and plans submitted by the applicant, subject to the following conditions:

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. Applicant is required to apply for and obtain a City of Lacombe building permit.
5. Applicant to display the assigned civic address at or near the front of the property so that it can be clearly read from the roadway.
6. Applicant to obtain and maintain a valid business license from the City of Lacombe.
7. The landscaping shall be completed in accordance with the approved plan on or before October 31, 2016, or the applicant may submit a new landscaping plan that complies with the current land use bylaw, with completion on or before October 31, 2016.
8. All landscaping areas are to be protected by concrete curbs or other approved barriers having a minimum height of 140mm.
9. Applicant shall provide a total of 17 parking spaces in accordance with the approved parking plan. Parking spaces are to be identified with pavement markings and cement parking curbs.
10. Prior to the development permit issuance, landscaping deposits will be required in the form of cash or letter of credit in an amount equal to 100% of the estimated cost of the required landscaping as estimated by an appropriate trade professional, and not less than \$2,000. Security will be released once a site inspection demonstrates that the pavement markings and cement parking curbs are in place, and the landscaping has been completed in accordance with the approved plan, has been well maintained, and is in healthy condition at the end of the second growing season. Landscape curbing or other form of barrier, pavement markings and cement parking curbs should be included in the landscaping estimate.
11. Applicant to apply for any necessary building, plumbing, electrical and gas permits for any future leasehold improvements.
12. Applicant to apply for all signage separately.
13. The decision of the Municipal Planning Commission being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

**Please note that this decision is subject to an appeal period which ends on February 25, 2016 at 4:30 p.m.*

CARRIED: Unanimously

B. 61/250.07 (2016), Units C3 & C4, 4425 Heritage Way, Block 41 & 41 Plan 052 3783, Conversion of 2 Commercial Units to Residential Units, zoned – C2 – Highway Commercial District

The applicant was in attendance to provide information and answer questions regarding the application. He advised the Commission that the 2 commercial units had remained unoccupied for a number of years, despite reducing the lease costs to a value that he considered to be below market value. He also indicated that there is already interest in them if they are converted to residential units.

Development Officer, Gail Long presented information regarding the conversion of two existing commercial units in the mixed use commercial/residential condominium building located at 4425 Heritage Way. As a variance will be required to the percentage of residential vs. commercial space in this building, the application is being referred to the Municipal Planning Commission for consideration.

A total of seventy one (71) property owners within 60m of the subject site were notified. Eight responses have been received to the circulation notice, all in support of the application. Comments included the following:

- The Condominium Board approved this move many months ago. We see no problem with it. The by-laws prohibit **any** changes to outer walls, windows, etc.
- Because these condos have never been rented out, they are a total loss and something should be done.
- There was no interest. They have been sitting vacant too long.
- It makes sense!
- It is better than an undesirable business. I would support only if dedicated parking for the units remains on the north end of the lot where plug ins are located and that stalls in front of the building remain undedicated as they now are.
- No Loss of Parking Stalls.

The four storey mixed use commercial/residential building located on the property was constructed in 2003. The building consists of residential units on the main floor at the rear of the building, plus residential units located within the upper three stories of the building. The commercial space, consisting of five units, is located on the main floor at the front of the building.

The City's Land Use Bylaw (Section 8.22) specifically designates this site for mixed commercial/residential use, and states that the ground floor is to comprise of a minimum of 40% commercial space. The total ground floor area of the building consists of 1256.77m², requiring 502.71m² of commercial space. The total area of commercial space in the building is currently 488.8m², or 38.9% of the ground floor area.

There are currently two commercial businesses located on the main floor of the building occupying approximately 240.8m² of the commercial space. One of the businesses is occupying two units. One additional space was occupied for a very short time, but the business was not successful at that location. Approximately 248m² of commercial space is currently vacant and the applicant has not been able to find tenants interested in occupying this space.

The vacant commercial space is located on each side of the main entryway to the building, consisting of two spaces totaling approximately 122m² and 126m² in size. The applicant is proposing that these two commercial spaces be converted to residential use to allow for two additional residential units on the main floor of the building. This would leave 240.8m² of commercial space on the ground floor, or 19.16%. If approved, the applicant would require a 53% variance to the area of commercial space required to be located within the building.

The existing residential units located within the residential building all have outdoor decks. As no changes can be made to the exterior of the building and there would be no privacy if an outside deck were to be provided for these units, the applicant is proposing that the newly created residential units have an enclosed deck at the front of the unit directly adjacent the parking area, with one being 9.6m² in size, and the other being 10.05m² in size.

At time of the original development permit application, a total of 72 parking spaces were required. The applicant provided 76 parking spaces on site, with 29 parking spaces located in the parkade, 10 parking spaces located in the carport, and 37 parking spaces (including 3 accessible parking spaces) located outside in front of the building. With the conversion of the commercial space to residential, one additional space will be required for visitor parking, for a total of 73 parking spaces. As 76 parking spaces are being provided, the applicant is meeting the requirements of the Land Use Bylaw.

A total of 7 parking spaces were allotted to the commercial component of the building for staff parking. These parking spaces are located outside to the east of the building adjacent Heritage Way, and have been supplied with power outlets. If approval is granted for the two residential units, each unit will be assigned two parking spaces with electrical plug-ins that have been wired in specific to that particular unit.

The zoning of this site is unique in that the land is zoned C2, however, the regulations for both C4 and R6 apply to this site.

Recommendations:

The building is located in the C2 – Highway Commercial District, which indicates that the dwelling units shall be accessory to the commercial space. The loss of the commercial space is a concern to the City, as the building is not meeting the intent of the district. However, as the building was constructed in 2004 and the applicant has since then been unable to find permanent tenants to occupy the commercial space, Planning and Development Services supports the application as submitted.

Further loss of the commercial space should not be considered, unless the applicant were to seek a rezone and convert the whole building to a residential property. Planning and Development Services recommends approval subject to conditions.

MOVED: Member: Rempel

"RESOLVED that the Municipal Planning Commission approve the conversion of vacant commercial space to residential use within the mixed use commercial/residential building located at C3 and C4, 4425 Heritage Way, Blocks 41 and 42, Plan 052 3783, zoned C2, C4, and R6, to allow for the development of two residential units. Approval is granted for a 53% variance to the amount of space required to be designated for commercial use within the mixed use commercial/residential building to allow for the additional number of residential suites within the building.

Approval is in respect of works consisting of and as described on the development permit application form and plans submitted by the applicant, subject to the following conditions:

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. This permit is valid for a period of twelve (12) months from the date of issue. If, at the expiry of this period, the development has not been commenced with reasonable diligence, this permit shall be null and void.
3. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
4. Applicant is to obtain City of Lacombe building permits prior to conversion of the two spaces to residential units.
5. Applicant to apply for and obtain any required secondary permits (electrical, plumbing, gas).
6. Applicant to display the assigned unit numbers on the interior doors to the units.
7. Applicant to designate two parking spaces for use by the residents of each proposed unit. Each unit must be assigned the parking spaces which have electrical power outlets wired in directly to that particular unit.
8. All visitor and commercial parking spaces for the property must be clearly marked on the pavement to ensure adequate parking spaces are available for the commercial businesses located on site.
9. The decision of the Municipal Planning Commission being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

Please note that this decision is subject to an appeal period which ends on February 25, 2016 at 4:30pm.

CARRIED: Unanimously

- C. 61/250.03 (2016), 4450 Highway 12, SW 29-40-26-4, 4456 Highway 12, SE 30-40-26-4, Approval of 1 Sea Container at 4450 Highway 12, 4456 Highway 12, SE 30-40-26-4**

The applicant was in attendance to answer questions and to provide additional information. He indicated that the sea cans & lean to had been there for a number of years and only came to light when they recently purchased the property. He also indicated that they are hoping to build a new dealership building in the near future and the sea cans would likely not be necessary after completion. He advised that access to the sea cans is only through the existing buildings.

Development Officer, Deb Bonnett presented information regarding an application to allow an accessory use being, 1 sea container at 4450 Highway 12 and 2 sea containers & 1 lean to at 4456 Highway 12. An existing dealership is located on 4450 Highway 12 and the detail shop is located at 4456 Highway 12. All development including the sea containers & lean to are existing.

A total of three (3) property owners within 60m of the subject site were notified. No responses have been received to the circulation notice.

The applicants have recently purchased the three dealership properties. All of the development is existing, however, there is no record of approvals for the sea cans and the lean to.

The larger of the two lots (4450 Hwy 12) is 8685.6 m² (2.14 Acres). The main dealership building is located on this site with the 10,407 sq. ft. foot print. A sea container is attached to the northeast corner of the building for additional storage.

Parcel 4456 Highway 12 is 1236.2 m² (.3 Acres). A secondary detailing and storage building (2413 sq.ft.) is located on site. There are 2 sea containers and a lean to attached to this building.

A third parcel 4510 50A Avenue is enclosed with a six foot chain link fence, and is covered with crushed gravel and is used for vehicle storage.

The applicant is requesting approval to continue using the existing sea containers for storage on site. The containers have been located on the sites for several years and are needed until such time as they redevelop the site and construct a new building for the dealership. As the three sea containers are attached to the existing buildings, and a lean to has been added onto one seacan, a building permit will be required.

The existing sea container regulations are specifically for the Industrial Districts, however, Planning and Development are proposing to add sea containers to some of the commercial districts also, should Council agree.

Recommendations:

The containers and the lean to are considered an accessory use and have been located on these properties for a number of years. The Planning & Development department has no record of complaints regarding these containers or the lean-to, therefore we are recommending approval subject to the following conditions.

MOVED: Member: Gallant

"RESOLVED that the Municipal Planning Commission approve the accessory use for the location of an existing attached sea container attached to the north east corner of the dealership building at 4450 Highway 12 on Pt of the SW 29-40-26 W4 and two existing attached sea containers and lean to at 4456 Highway 12 on Pt. SE 30-40-26 W4, zoned C2.

Approval is in respect of works consisting of and as described on the development permit application form and plans submitted by the applicant, subject to the following conditions:

1. This permit indicates that only the development to which it relates is authorized, with the provisions of the Land Use Bylaw and in no way relieves or excuses the applicant from complying with the Land Use Bylaw and in or any other bylaw, orders and/or regulations affecting such development.
2. The Development Officer may, in accordance with Section 645 of the Municipal Government Act, take such action as is necessary to ensure that the provisions of this bylaw are complied with.
3. Applicant is required to apply for and obtain a City of Lacombe building permit.

4. The Permit Services Report confirming that all work complies with the Alberta Building Code is to be submitted to Planning and Development Services no later than September 30, 2016.
5. Applicant to apply for and obtain electrical, plumbing and gas permits should they be required.
6. Be finished in the same colour as the primary colour of the principal building on the parcel.
7. Sea containers must be located at the rear yard of the property.
8. Prior to building permit issuance, the applicant shall submit a development permit deposit in the amount of \$2,000.00. This deposit is refundable when confirmation is received that all containers and lean to comply with the requirements of Safety Codes Act.
9. The decision of the Municipal Planning Commission being mailed to adjacent landowners, a sign posted on site, and advertised in the local newspaper, and no appeal against the decision being successful.

**Please note that this decision is subject to an appeal period which ends on February 25, 2016 at 4:30 p.m.*

CARRIED: Unanimously

5. BUSINESS

A. Next MPC Meeting: Wednesday, March 2, 2016

6. ADJOURNMENT

THAT this meeting now adjourn at 5:38 p.m.

MOVED BY: Member Gallant

CARRIED: Unanimously

Chairperson Christie

Date